

### **REMARKS**

Claims 1-26 are pending in the present application. Claims 1, 2, 5, 6, 16, 17, 22, and 24-26 are amended. No new matter is added as a result of the above amendments. Reconsideration of this application in light of the above amendments and the following remarks is requested.

#### **Allowable Subject Matter, Claims 6-15 and 17-26**

Applicants thank Examiner Harper for the indication of allowable subject matter in claims 6-15 and 17-26. The examiner states that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Response, claims 6 and 17 are amended to include all of the limitations of independent claims 5 and 16. Accordingly, Applicants respectfully submit that claims 6-15 and 17-26 are now in condition for allowance.

#### **Objection to Claims, Claims 2, 5, 22, 24-26**

Claims 2 and 5 are rejected because of minor errors. By this Response, claims 2 and 5 are amended to correct the minor errors as suggested by the examiner. Claims 22 and 24-26 are rejected because they lack antecedent basis for the "presence server" and the "SIP Registrar". By this Response, claims 22 and 24-26 are amended to depend from claim 17 instead of claim 16. The amendments made now provide proper antecedent basis for the "presence server" and the "SIP Registrar". Accordingly, Applicants respectfully request the withdrawal of the objection to claims 2, 5, 22, and 24-26.

#### **Rejections Under 35 U.S.C. §102(e), Claims 5 and 16**

##### **Claim 5**

Amended claim 5 recites:

5. A method for user activation of push-to-talk (PTT) service in a wireless communication network, comprising:
  - receiving a session initiation request at a PTT Server to permit a user to join a group;
  - registering the PTT server as a contact for the user;
  - notifying members of the group of presence of the user; and

enabling multicasting, by the PTT server, a communication from the user to other members of the group by replicating the communication, replacing a group-specific address and port number with a respective address and port number of each of the other members to form a modified communication, and forwarding the modified communication to each of the other members. (Emphasis added).

Claims 5 and 16 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application No. 2002/0037735 to Maggenti. This rejection is respectfully traversed.

The PTO provides in MPEP § 2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 5, to sustain this rejection the Maggenti reference must contain all of the above claimed elements of the claim. However, contrary to the examiner's position that all elements are disclosed in the Maggenti reference, the reference does not disclose "enabling multicasting, by the PTT server, communication from the user to other members of the group by replicating the communication, replacing a group-specific address and port number with a respective address and port number of each of the other members to form a modified communication, and forwarding the modified communication to each of the other members."

The Examiner alleges that Maggenti discloses these features in paragraph 77, where Maggenti discloses that "the net broadcasting service (NBS) takes advantage of the development of a cellular multicast channel. Such a channel generically allows one transmitting station to address N listening station directly over one forward channel." However, Maggenti also discloses that "a net's media signaling and traffic destination addresses are conventional IP multicast channels, and communication manager (CM) originates media signaling and traffic broadcasts are multicast broadcasts. Each communication device (CD) originating media signaling and traffic broadcasts and SIP signaling remain as point-to-point communication." Thus, while the communications originated by the communication manager are multicasts, they are conventional IP multicasts. According to Wikipedia (see attached), in IP multicast, a message is sent to a range of addresses reserved for multicast groups (224.x.x.x-239.x.x.x). Therefore, conventional IP multicast utilizes a group-specific IP address to identify members belonging to the group for communication. This is different from the multicasting step as recited

in claims 5 and 16, in which the group-specific address and port number is replaced with the respective address and port number of each of the other members to form a modified communication. Therefore, Maggenti does not disclose the features of claims 5 and 16.

Accordingly, Applicants respectfully request the withdrawal of the rejection to claims 5 and 16 under 35 U.S.C. § 102(e).

### **Rejections Under 35 U.S.C. §103(a), Claims 1-5**

#### **Claim 1**

Amended claim 1 recites the following:

1. A wireless communication network including push-to-talk (PTT) functionality, comprising:
  - a Presence Server operable to store data on active mobile devices;
  - a Session Initiation Protocol (SIP) Proxy Server;
  - a SIP Registrar and Location Server operable to store contact addresses of active mobile devices;
  - a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group by replicating the communication, replacing a group-specific address and port number with a respective address and port number of each of the other members to form a modified communication, and forwarding the modified communication to each of the other members; and
  - an Internet Protocol (IP) network interconnecting the SIP Proxy server, the SIP Registrar and Location Server, and the PTT Server. (Emphasis added).

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Maggenti in view of U.S. Patent No. 6,009,469 to Mattaway et al. ("Mattaway"). Applicants traverse this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 1.

As the PTO recognizes in MPEP § 2142:

*... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...*

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

**1. Even When Combined, the References Do Not Teach the Claimed Subject Matter**

The Maggenti and Mattaway references cannot be applied to reject claim 1 under 35 U.S.C. § 103 which provides that:

*A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)*

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. Neither Maggenti nor Mattaway discloses or suggests “a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group by replicating the communication, replacing a group-specific address and port number with a respective address and port number of each of the other members to form a modified communication, and forwarding the modified communication to each of the other members” as is claimed in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met.

As discussed above in arguments presented for claims 5 and 16, Maggenti does not disclose such features. Mattaway also does not disclose these features. The examiner alleges that Mattaway disclose these features at column 21, lines 51-62, which reads as follow:

In an illustrative embodiment, global server 1500 is implemented as a single server apparatus on which a plurality of “virtual machines” execute simultaneously. However, it will be obvious to those reasonably skilled in the art that a plurality of separate servers, one dedicated to each of connection server 1512, information server 1514, and database server 1518 may be interconnected to database 1516 and to each other using a local area network, to form a composite “virtual” global server, as illustrated by FIG. 15B, the construction of the system illustrated in FIG. 15B being within the knowledge of those reasonably skilled in the art in light of the descriptions contained herein.

In the above section, Mattaway merely discloses that a plurality of servers may be interconnected to database and to each other using a local area network. However, nowhere in the above section, or any other section, of the reference does Mattaway disclose a server that multicasts a communication from one member of the group to the other members of the group. To the contrary, Mattaway discloses a system, at column 3, lines 1-3, that "provides a virtual communications utility displayable on computer system interfaces which enables real-time, point-to-point communications over the computer networks." Thus, instead of a server that multicasts a communication from one member of the group to the other members of the group, Mattaway is interested in point-to-point communications over the network. Since Mattaway fails to disclose a server that multicasts a communication from one member of the group to the other members of the group, Mattaway does not and would not disclose multicasting by replicating the communication, replacing a group-specific address and port number with a respective address and port number of each of the other members to form a modified communication, and forwarding the modified communication to each of the other members, as recited in claim 1. Therefore, Mattaway also does not disclose the features of claim 1. Accordingly, for at least this reason, Maggenti and Mattaway are insufficient to provide a *prima facie* case of obviousness with regard to claim 1.

For the reasons described above, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection of claims 1-5 under 35 U.S.C. §103 should be withdrawn.

## **2. The Combination of References is Improper**

There is still another reason why the Maggenti and Mattaway references cannot be applied to reject claim 1 under 35 U.S.C. § 103(a).

§ 2142 of the MPEP also provides:

*...the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made.....The examiner must put aside knowledge of the applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole'.*

Here, neither Maggenti and Mattaway teaches, or even suggests, the desirability of the combination since neither reference discloses “a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group by replicating the communication, replacing a group-specific address and port number with a respective address and port number of each of the other members to form a modified communication, and forwarding the modified communication to each of the other members” as recited in claim 1.

Thus, it is clear that neither patent provides any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. § 103 rejection.

In this context, the MPEP further provides at § 2143.01:

*The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.*

In the above context, the courts have repeatedly held that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.


In the present case it is clear that the examiner’s combination arises solely from hindsight based on the invention without any showing, suggestion, incentive or motivation in either reference for the combination as applied to claim 1. Therefore, for this mutually exclusive reason, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection of claims 1-5 under 35 U.S.C. §103 should be withdrawn.

**Conclusion**

It is clear from all of the foregoing that independent claims 1 and 16 are in condition for allowance. Dependent claims 2-5 depend from and further limit independent claim 1 and therefore are allowable as well.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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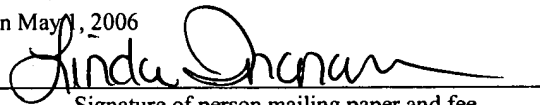
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# IP Multicast



From Wikipedia, the free encyclopedia

**IP Multicast** is a method whereby a message can be sent simultaneously to several computers, instead of singly to one computer. In order to do this, the message is sent to a range of addresses reserved for multicast groups (224.x.x.x-239.x.x.x) - each computer must also decide whether or not it wishes to be part of a specific group. (A computer can subscribe to the same group more than once - in such a case, each subscribing application receives a separate copy of each message received on the group IP address).

In order to prevent conflicts (where two groups have the same group IP) most routers will not forward multicast messages onto other network segments. This behaviour is, however, sometimes configurable on a case-by-case basis (it depends on the router software).

All multicast capable computers are required to be part of the 224.0.0.1 group. Pinging this address will thus tell you which (if any) computers on your network are currently capable of receiving multicast transmissions.

## See also

- core-based trees
- Multicast address
- Multicast

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